FOR MYSORE STATE

P&E

GOVERNMENT OF MADRAS. Sectt. II-28—50,006—12-6-53.

Home (1953-) Department.

G.O Endorsement (MS) Mysore.
D.O.
Memorandum
Lodged

No. 3151

Dated 12-10- 1953.

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Abstract			

Courts - Criminal - cases of assault intimidation etc. filed by Smugglers against customs officials Law officers of Govt. and prosecuting staff - Legal assistance payment of fees - Instructions issued.

GOVERNMENT OF MADRAS
ABSTRACT.

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COURTS - Criminal - Cases of assault, Intimidation etc. filed by smugglers against customs officials - Law Officers of Government and prosecuting staff -Legal assistance Payment of fees - Instructions issued.

Home Department.

G.O.Ms.No. 3151. Dated 12th October 1953.
Read the following:--

Read also: G.O.Ms.No.4772 Home Dated 13-12-1951.

From the Government of India, Ministry of Finance (R.D.) D.O.No.60(8) Adm.III/51, dated 21-9-1951.
-do- D.O.No.32(8) Adm.III/52 d/8-9-52.
-do- D.O.No.32(8) Adm.III/52 dated 25-3-53.
-do- D.O.No.32(8) Adm. III/52 dated 18-6-53.

ORDER:

In consultation with the Government of India, the Government of Madras directed in December 1951, that the Law Officers of the Government, Assistant Public Prosecutors and Assistant State Prosecutors as the case may be, should render necessary legal assistance both in cases where smugglers are prosecuted by the Customs Department and also in cases where the department defends customs officials in proceedings launched against them by smugglers by way of vexatious complaints or prosecutions. The fees due to the Law Officers of the Government or the additional remuneration, if any to the prosecuting staff for the services rendered by them on behalf of the Customs Officials were to be borne by the Government of India.

2. The Government of India, Ministry of Finance (Revenue Division) have since classified such cases into the following three categories:--

(1) cases in which the Customs Department are prosecuting the Smugglers;

(2) cases in which customs officials who are proceeded against by the smugglers by vexatious complaints or prosecutions are granted legal defence by the Government of India; and

(3) Cases in which Customs officials who are proceeded against by the smugglers by vexatious complaints or prosecutions are not granted Legal Defence by the Government of India

and, have stated that the fees payable to the Law Officers of this Government or additional remuneration if any, payable to the prosecuting staff for services rendered by them will be borne by the Government of India only in the categories of cases mentioned in items (1) and (2) above. The Government of Madras have, therefore, decided in consultation with the Government of India that the assistance to be afforded by the Law Officers of this Government and prosecuting staff should be restricted only to the categories of cases mentioned in items (1) and (2) above and that in the cases where legal defence is not granted by the Government of India to a customs official the customs official concerned may engage his own counsel.

3. The fees to the Law Officers of the Government or additional remuneration, if any, to the prosecuting staff for the services rendered by them on behalf of customs officials in the categories of cases mentioned in item (1) & (2) in paragraph 2 above will be borne by the Government of India. The additional remuneration, if any payable to the prosecuting staff shall normally be at the rates prescribed or approved by the State Government for similar work. In specially difficult and complicated cases enhanced fees may be allowed. The exact amount of the fees or additional remuneration will be settled on each in consultation with the State Government.

(By order of the Governor of Madras)

T.N.S. Raghavan,
Secretary to Government.

p.t.o....

To
All Collectors (except the Collector of Madras).
The Commissioner of Police, Madras.
All Law Officers in the City of Madras.
The Public Prosecutors in the districts, THROUGH Collectors concerned.
The Registrar, High Court.
The Inspector General of Police, Madras.
The Accountant General, Madras THROUGH the Finance Department.
Copy to the Government of India, Ministry of External Affairs, New Delhi.
Copy to the Collector of Central Excise, Post Box No. 1001, Kilpauk, Madras.
Copy to the Government of India, Ministry of Finance (Revenue Division)
New Delhi.
Copy to Andhra and Mysore.

/True copy/Forwardod/By order/

K. Sivaraman

Superintendent.

b/14-1.